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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,945	12/19/2001	William D. Denison	215001	8390
7590	05/03/2005		EXAMINER ZIMMERMAN, BRIAN A	
Edward L. Bishop FACTOR & LAKE, LTD 1327 W. Washington Blvd. Suite 5G/H Chicago, IL 60607			ART UNIT 2635	PAPER NUMBER

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

6

Office Action Summary

Application No.

10/024,945

Applicant(s)

DENISON ET AL.

Examiner

Brian A Zimmerman

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed 2/16/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-62, 64 and 67-83 is/are pending in the application.
- 4a) Of the above claim(s) 71 and 72 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 40-62, 64, 67-70 and 73-83 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/16/05 and 3/14/05</u> | 6) <input type="checkbox"/> Other: _____ |

EXAMINER'S RESPONSE**Status of Application**

In response to the applicant's amendment received on 2/16/05. The examiner has considered the new presentation of claims and applicant arguments in view of the disclosure and the present state of the prior art. And it is the examiner's position that claims 40-62,64,67-83 are unpatentable for the reasons set forth in this office action:

Election/Restrictions

Newly presented claims 71 and 72 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 71 and 72 are directed to specifics of a shielding system for the controllers, which has not been previously considered. The claimed invention being considered is communication and programming of an electronic lock system. It is noted that the status identifier for these claims is "withdrawn". Therefore, these claims are still pending.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 63,71 and 72 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Double Patenting

The Terminal Disclaimer filed 7/23/04 disclaiming US Patents 6359547 and 5617082, has been received and placed in the file.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 56, 62 and 77 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Support could not be found for having the two power levels be non-zero.

Claims 78-83 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Support was not pointed out, nor could support be found for the newly claimed limitations, for example a low battery detection circuit.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 40-45,48-55,57-61,64-70,73-75 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Henderson (5602536).

Henderson shows an access control device having a microprocessor based control circuit 28 and non-volatile memory 44. Henderson also shows the control device to include a communication port (see figure 24) for writing data to the memory of the access device. One of the plurality of keys can send a read signal through the port to trigger the access device to send the access code stored in memory and receive the access code from the access device through the port. The one of a plurality of keys can also send an access code through the port to program the access device. The one of a plurality of keys includes a keypad and a clear key, see col. 15 line 55+. The device of Henderson also includes a low battery detector see col. 31 lines 55+. See col. 4 lines 1-5, col. 5 lines 60+, col. 7 lines 5+, col. 13 lines 25+, col. 14 lines 55+. Henderson also provides a sleep mode for the access device such that upon receipt of a signal via the communication port, the access device wakes up, see col. 24 line 5+.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 41,43-45,54,55,57-61,67-70,75,76,79-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henderson (5602536) and Koenick (4709202).

The applicant has attempted to claim that actuation of each of the keys has the ability to bring the device out of the sleep mode. Regarding claims 41,43,54,67 and 69, the examiner maintains that the language the applicant used here still does not invoke such a limitation into the claim, however this alternative rejection is offered to shorten prosecution by addressing this limitation as if it were positively recited in these claims.

In an analogous art, Koenck teaches a sleep mode in an electronic device where the electronic device exits the sleep mode by pressing any key on the keyboard. This provides an efficient sleep mode where the electronic device is ready and awake when the user wants to use the device. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the sleep and wake method offered by Koenck in order to provide power to the device only when the user needs the device and thus saves battery power.

Art Unit: 2635

3. Claims 46,47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henderson and Koenick as applied to claim 43 above, and further in view of McNair.

In an analogous art, McNair teaches disabling for a period of time if the device receives an number of consecutive invalid inputs. This improves security in that the ability to break into the codes is reduced. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the McNair method of disabling in the Henderson/Koenick access system in order to improve security.

4. Claims 56,62,77 and 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henderson as applied to claim 54 above, and further in view of Caron (5347419).

In an analogous art, Caron shows a lock solenoid with the power levels claimed for opening and maintaining the lock in an open position for reduced power consumption levels. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the lock powering method of Imran in order to reduce power consumption in the Henderson access control system.

5. Claim 78 is rejected under 35 U.S.C. 103(a) as being unpatentable over Henderson and Koenick as applied to claim 69 above, and further in view of O'Connell (4791280).

Art Unit: 2635

In an analogous art, O'Connell teaches a method of programming a new access code into a lock by first inputting an authenticated access code and then a new (to be authentic) access code. The lock stores the new access code as an authentic access code if it is immediately preceded by an already authentic access code. This provides a convenient manner to program the lock to accept new access codes in a secure manner. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the method of programming a new access code taught by O'Connell for the Henderson/Koenick locking system in order to provide a secure and convenient manner to program the lock.

Response to Arguments

Applicant's arguments filed 2/16/05 have been fully considered but they are not persuasive.

The applicant argues that there is support for a non-zero value on page 7. Support for such a limitation still could not be found.

The applicant argues that Henderson does not wake up in response to pressing either of at least two keys on the keypad as claimed. The applicant has attempted to claim that actuation of each of the keys has the ability to bring the device out of the sleep mode. The examiner maintains that the language the applicant used here still does not invoke such a limitation into the claim, however this alternative rejection is offered to shorten prosecution by addressing this limitation as if it were positively recited in these claims. In an analogous art,

Art Unit: 2635

Koenck teaches a sleep mode in an electronic device where the electronic device exits the sleep mode by pressing any key on the keyboard. This provides an efficient sleep mode where the electronic device is ready and awake when the user wants to use the device.

The applicant argues that Henderson does not have an access code that is substantially permanently stored in the non-volatile memory. Henderson does store the claimed information in a non-volatile memory 44 and it is the examiner's position that storing in a substantially permanent manner is exactly how a non-volatile memory stores data.

Applicant's arguments with respect to claims 56,62,77 and 83 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

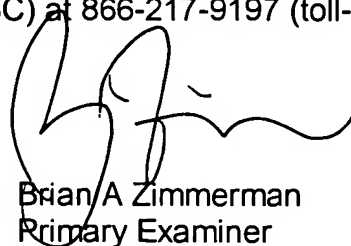
Art Unit: 2635

the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian A Zimmerman whose telephone number is 571-272-3059. The examiner can normally be reached on Off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Horabik can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brian A Zimmerman
Primary Examiner
Art Unit 2635

BAZ